

REMARKS

Claims 1-10 are pending in the application.

The applicant appreciates acknowledgement of receipt of the priority papers as well as consideration of the information cited by applicant in his Information Disclosure Statement.

Also, the applicant and applicant's representative sincerely appreciate the Examiner's willingness to discuss the application and prior art by phone. In these telecons, the Examiner mentioned USP 6,707,884 as being relevant. The device in the '884 patent is not intended to be placed on a patient and elastic members 144 are not radiopaque. Claim 1 has been amended to further distinguish from the '884 patent.

Applicant respectfully submits that the Åkerfeldt design patent (D507,053) is not prior art because applicant has perfected his claim to foreign priority and the foreign priority application supports the claimed invention.

The specification has been amended, as requested by the Examiner.

Claims 1-3 and 5-10 stand rejected under § 102(e) as anticipated by Broyles. Claim 4 stands rejected under § 103 based on Broyles and Ecklund.

Independent claim 1 has been amended to further define the invention. These amendments are supported in the as-filed application by, for example, page 3, lines 19 to 26; original claims 6 to 8; and the description of the material of the ribs being elastic.

The applicant respectfully reserves the right to (at a future date) remove the Broyles patent as prior art by proving an earlier date of invention.

In any event, the invention of amended claim 1 is clearly not disclosed or suggested by Broyles.

Independent claim 1, the only independent claim in the application, recites that "at least two adjacent ribs are elastic such that the elastic ribs are stretchable and then resume

their original shape when released.” This feature allows a doctor to create a wide opening between two neighboring ribs, as illustrated in Figure 3 of the present application, and then have the ribs return to their original position so that the ribs can serve as reference points during a medical procedure.

This feature is not disclosed or suggested by Broyles.

In Broyles, each rib consists of both a substrate 10 and a strip 18. Although substrate 10 is made of elastic material, there is no disclosure or suggestion in Broyles that strips 18 are elastic. On the contrary, it is clear from the discussion of strips 18 in column 4 of Broyles that strips 18 are made of a different material than substrate 10. Furthermore, one of the examples of suitable material for strips 18 is a metal wire, which indicates that the strips 18 are not elastic. When two materials (such as substrate 10 and strip 18) are present in an object, the least elastic material will govern the elasticity of the object. Generally, metal is not stretchable and does not resume its original shape after it is stretched, as claimed in amended claim 1.

Thus, the presence of strip 18 in each rib means that the ribs are not elastic such that adjacent ribs are stretchable and then resume their original shape when released.

It is thus respectfully submitted that amended independent claim 1, and associated dependent claims, are clearly not disclosed or suggested by Broyles for at least this reason.

Furthermore, features of dependent claims are not disclosed or suggested by Broyles.

For example, dependent claim 2 recites that some of the several ribs are broader, with a regular number of narrow ribs arranged therebetween. This feature is clearly not disclosed or suggested by Broyles. In Figure 1 of Broyles, all of the strips 18 are of the same width. It is noted that Broyles contains apertures of different widths, such as aperture 26 and aperture 27; however, there is no disclosure or suggestion in Broyles of the strips being of different width.

Dependent claim 3 recites two short sides of which one short side is distinguishably different from the other short side. In the preferred embodiment illustrated in Figure 1 of the

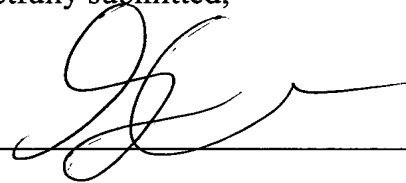
present application, this feature corresponds to sides 12a and 12b having different widths. This feature is advantageous because without this feature, it may be difficult for the radiologist to tell how the grid is oriented on the patient in a radiographic image (e.e., which side of the grid is closer to the patient's feet). This feature is clearly not disclosed or suggested by Broyles. Dependent claim 4, which depends on claim 3, is patentable for a similar reason.

Dependent claim 5 recites that the grid has markings which show the ordinal number of the respective rib. This is not disclosed or suggested by Broyles. The office action refers to column 6, lines 6-8, as disclosing this feature. However, this portion of Broyles merely refers to printing indicia or other markings on the substrate. There is no disclosure or suggestion as to what type of markings may be printed on the substrate and certainly no suggestion that the markings should be an ordinal number of a respective rib.

It is thus respectfully submitted that for at least the reasons set forth above, the amended claims are clearly not disclosed or suggested by Broyles. Ecklund does not overcome the deficiencies of Broyles, and in any event claim 1 has been amended to recite that at least some of the ribs comprise at least one of a radiopaque material, a material visible in a magnetic resonance tomograph, and a material visible in a positron emission tomograph.

Respectfully submitted,

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